

The New Mexico Historic Preservation Division/ the New Mexico State Historic Preservation Office (NMSHPO) is providing comments on the FCC Wireless Telecommunications Bureau's Public Notice: *Comment on the Scoping Document for the Development of a Proposed Program Comment to Govern Review of Positive Train Control Facilities under Section 106 of the National Historic Preservation Act.* We have reviewed materials provided by the Bureau to Mr. Erik Hein, Executive Director, National Conference of State Historic Preservation Officers concerning the "Positive Train Control Program," which will require the installation of more than 20,000 wayside poles and facilities in railroad rights-of-way (ROW) across the nation.

The topographic and geographic configuration in New Mexico varies vastly from other states and the foreseeable impacts from this program to all types of cultural resources here could be quite significant. We do not know whether the FCC has sought out comment from federal land managing agencies about this program, but the ROW issues (easements versus ownership) could be quite complex, as many ROW predate the creation of federal agencies. Also, many of our commercial and passenger train routes in New Mexico (Amtrak, Rail Runner, etc.) pass through pristine rural areas of the state and traverse large cultural landscapes, intersect nation historic trails and wide open vistas. In absence of the specific locations where the proposed system will be implemented, we can only estimate the potential for direct and indirect effects to those resources. We are hopeful the FCC will soon identify the specific areas to be impacted to aid in assessing and minimizing adverse effects to these resources which include several National Historic Landmarks and a number of National Registered-listed sites and districts.

We understand that an attempt to collocate the new system on existing telecommunication towers will be made, when located near the railroad systems involved, but we are concerned about the many new wayside poles to be built as part of the program, as well as the Base Station facilities, farther away from the track, with more antennas and taller poles. The wayside poles, up to 65' high, not only have the potential for indirect visual effect to listed historic properties, historic landscapes and their viewsheds but also for direct impact to archaeological sites, given the 5' to 10' excavation depth needed to install each pole. The base station facilities have a larger potential for both direct and indirect effects to cultural resources that may be present.

Getting the new construction corridors identified as soon as possible will help us in conducting an internal file search and identify any resources at risk. We do have recent studies for the Rail Runner transportation corridor and Abo Canyon and likely other areas in the State that could be of use in evaluating effects.

Finally, it is critical that the program comment take into account the views of Indian tribes since rail corridors in New Mexico cross tribal land and have the potential to affect properties of religious and cultural significance to Indian tribes in the state. We recommend the FCC consider this in selecting and designing several pilot studies before the program is implemented. We believe this would be beneficial in better understanding the potential effects and strategies to minimize the effects of the program.

We support the use of existing towers in lieu of building new wayside poles wherever possible, and believe that an expedited Section 106 review process can be developed, particularly in urban and heavily developed areas. We believe the challenge in the West is to minimize effects in rural, largely undeveloped areas.

That is all we have to offer at this time, until additional information, site locations, corridor maps and other pertinent information can be provided for evaluation.

Thank you,  
The NM SHPO staff